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10/612,942	07/07/2003	Tooru Kitagawa	1081.1178	6654

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EXAMINER	
RAHMAN, FAHMIDA	
ART UNIT	PAPER NUMBER
2116	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,942	KITAGAWA, TOORU	
	Examiner	Art Unit	
	Fahmida Rahman	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10 and 12-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-10, 12-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/06/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed on 11/17/2006.

2. Claims 1-2, 4-10, 12-15 are pending.

Response to Arguments

Applicant's arguments filed on 11/17/06, with respect to the rejection(s) of claim(s) 1-2, 4-10, 12-15 have been fully considered and are persuasive. Therefore, the rejection under 35USC 103 in view of Meyer et al and Khatri has been withdrawn. However, upon further consideration, a new ground of rejection is made as described below. Accordingly, the finality of the action on 7/17/06 is withheld and this instant action is sent as a non-final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7, 8, 9, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US Patent 6826715), in view of Cleary et al (US patent 5504905).

For claim 1, Meyer et al teach the following limitations:

A management method of hardware configuration information by a computer (lines 55-59 of column 1) **by which hardware configuration information of each device constituting the computer is managed** (lines 38-40 of column 3), **said management method comprising the steps of:**

- **acquiring hardware configuration information of each device** (lines 52-57 of column 2) **at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program), **each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);
- **and recording the acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation produces a record of configuration in a non-volatile storage medium. It is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information),
- **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used

on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 2, Meyer et al teach the following limitations:

The management method of hardware configuration information further comprising the steps of:

- **reading out the hardware configuration information acquired in the past and recorded in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);
- **comparing the readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);
- **and displaying the comparison result onto a predetermined display unit** (lines 1-7 of column 3; Fig 2)

For claim 4, note table Compaq Diagnostics for Windows 2.11 in columns 3 through 24, which show the version number related to each product.

For claim 5, Cleary et al teach that the computer is client connected to a server through a network and the server receives client hardware configuration information acquired by the client through the network, and the server records them in the non-volatile memory (lines 30-52 of column 11).

For claim 7, Meyer et al teach the following limitations:

A recording medium in which a program ("stored diagnostic program" in line 60 of column 1) **managing hardware configuration information of each device constituting a computer** (lines 55-59 of column 1) **is stored, wherein said program comprises:**

- **a process of acquiring hardware configuration information of each device** (lines 52-57 of column 2) **at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program)**, each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);
- **a process of recording the acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation produces a record of configuration in a non-volatile storage medium. It is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information),
- **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used

on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS. (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 8, Meyer et al teach the following limitations:

wherein said program further comprises:

- **a process of reading out hardware configuration information which was acquired in the past and is stored in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);
- **a process of comparing said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);;
- **and a process of displaying the comparison result onto a predetermined display unit (**lines 1-7 of column 3; Fig 2)

For claim 9, Meyer et al teach the following limitations:

A computer having a plurality of devices (Fig 3) **comprising:**

an acquisition section by which hardware configuration information of each device (lines 52-57 of column 2) **is acquired at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program)**, each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);

and a recording section which records the acquired hardware configuration information into a predetermined nonvolatile storage medium (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation produces a record of configuration in a non-volatile storage medium. It is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information),
wherein the predetermined timing sets comprise timing after OS is activated (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that

BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 10, Meyer et al teach the following limitations:

- **a comparison section which reads out the hardware configuration information acquired in the past and stored in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);
- **and compares said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);
- **and a display section which displays the comparison result onto a display unit (**lines 1-7 of column 3; Fig 2)

For claim 12, note table Compaq Diagnostics for Windows 2.11 in columns 3 through 24, which show the version number related to each product.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al (US Patent 6826715), in view of Cleary et al, further in view of Burgess et al (US Patent 5758071).

Meyer et al and Cleary et al teach all of the limitations of claim 5 as stated above. However, Meyer et al and Cleary et al do not teach that the server compares the program version number related to a predetermined device included in the received hardware configuration information with a version number of the most up-to-date program and updates the program to the up-to-date program when comparison results in inconsistency.

Burgess et al teach the following limitations:

- the hardware configuration includes version number related to each device (note line 10-15 of column 6 of Burgess et al.) ;
- the server records the most up-to-date program and a version number thereof with respect to a program related to each device in the client (lines 45-61 of column 2)
- the server compares the program version number related to a predetermined device included in the received hardware configuration information with a version number of the most up-to-date program and updates the program to the up-to-date program when comparison results in inconsistency (lines 45-61 of column 2).

It would have been obvious to one ordinary skill in the art to combine the teachings of Meyer et al, Cleary et al and Burgess et al. One ordinary skill in the art would have been motivated to have computers connected in network and, acquire and store the configuration of monitored computer in a storage medium by monitoring computer, since this may help a network administrator easily obtain the history of updates of software in the network so as to be able to maintain better control of what revision of software is provided to each computer in the network (lines 33-37 of column 2).

However, the combination of Meyer et al, Cleary et al and Burgess et al does not teach that the server computer acquires information of client computer to update the program to the most up-to-date program.

It is very likely that the computers connected to network follows client/server model. One ordinary skill in the art would have been motivated to consider the network administrator to have the server computer and the monitored computer as a client computer as network administrator typically uses server to update the client.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess et al. (US Patent 5758071) in view of Cleary et al (US Patent Application Publication 2002/0133695).

For claim 13, Burgess et al teach:

A computer (14 in Fig 1) **connected through a network** (10 in Fig 1) **to another computer** (12 in Fig 1) **having a plurality of devices** (24 in Fig 2 comprises plurality of devices) **comprising:**

- **a reception section** (18 of Fig 1) **which receives hardware configuration information of each device** (lines 31-35 of column 5; line 56 of column 5 through line 14 of column 6) **acquired** (lines 41-43 of column 5 mention that the configuration procedure obtains configuration information from the O/S registry file. Thus, the hardware configuration of each device is acquired) **at a plurality of predetermined timing sets** (lines 11-12 of column 4 mention that the performance is monitored at preset intervals) **from the other computer through the network** (lines 20-30 of column 2 mention that the second computer receives configuration information of first computer through network), **wherein the predetermined timing sets comprise timing after OS is activated** (lines 60-62 of column 3)
- **and a recording section which records said received hardware configuration information into a predetermined nonvolatile storage medium** (lines 55-59 and lines 62-65 of column 11 mention that the data is stored in disk drive 36 of monitoring computer 14).

Burgess et al do not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Burgess et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Capturing configuration during BIOS and comparing with previous information helps reduce the time for resource conflict detection.

For claim 14, Burgess et al teach the following limitations:

the hardware configuration information includes a version number of a program related to each device (lines 6-14 of column 6 mention that the driver and services available on the system includes the version number), **and the computer comprises:**

- **a comparison section which compares the version number of the program related to each device included in the hardware configuration information received from the other computer with the version number of the most up-to-date program related to said device** (lines 43-47 of column 5 mention that

the obtained configuration information is compared with prior configuration information. Lines 6-14 of column 6 mention that the configuration information includes version number of the driver);

- **and an update section which updates the program related to the device of the other computer to the most up-to-date program when the comparison results in inconsistency** (lines 35-38 of column 5 mention that the configuration changes on software updates and hardware upgrades are tracked. Lines 53-55 of column 5 mention that the configuration changes are sent to listeners, i.e., the second computer).

For claim 15, Burgess et al teach the following limitations:

A recording medium in which a single program (16 monitors the performance and captures performance data to store them in a log file at preset interval as mentioned in line 1-5 of column 4) **to be executed by a computer** (14 in Fig 1) **connected through a network** (10 in Fig 1) **to another computer** (12 in Fig 1) **having a plurality of devices** (24 in Fig 2 comprises plurality of devices) **is stored, wherein said program comprises:**

- **a process of receiving hardware configuration information** (lines 20-30 of column 2) **of each device** (lines 31-35 of column 5; line 56 of column 5 through line 14 of column 6) **acquired** (lines 41-43 of column 5 mention that the configuration procedure obtains configuration information from the O/S registry file. Thus, the hardware configuration of each device is acquired) **at a**

plurality of predetermined timing sets (lines 11-12 of column 4 mention that the performance is monitored at preset intervals) **from the other computer through the network** (lines 20-30 of column 2 mention that the second computer receives configuration information of first computer through network) **by operation of a first computer program** (18 and 20) **each time the computer is switched on** (lines 1-2 of column 15) **and wherein the predetermined timing sets comprise timing after OS is activated** (16 is OS level service. Therefore, the predetermined timing set comprises timing after OS is activated);

- **and a process of recording said received hardware configuration information** (lines 29-30 of column 2) **into a predetermined nonvolatile storage medium** ("configuration database" in lines 29-30 of column 2)

Burgess et al do not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Burgess et al and Cleary et al. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Capturing configuration during BIOS and comparing with previous information helps reduce the time for resource conflict detection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahmida Rahman whose telephone number is 571-272-8159. The examiner can normally be reached on Monday through Friday 8:30 - 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fahmida Rahman
Examiner
Art Unit 2116

A. ELAMIN
PRIMARY EXAMINER
12/18/06